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28 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

DEMETRIC DI-AZ, OWEN DIAZ, and  
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;  
CITISTAFF SOLUTIONS, INC.; WEST  
VALLEY STAFFING GROUP;  
CHARTWELL STAFFING SERVICES, INC.;  
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**JOINT STIPULATION REGARDING  
SCHEDULE AND PROCEDURES FOR  
POST-TRIAL MOTION FOR  
ATTORNEY'S FEES; ORDER**

Judge: Hon. William H. Orrick

1 **TO THE HONORABLE COURT, ALL PARTIES AND THEIR ATTORNEYS OF**  
2 **RECORD:**

3 Pursuant to Civil Local Rule 7-12, Plaintiff Owen Diaz (“Plaintiff”) and Defendant Tesla,  
4 Inc. (“Defendant”), by and through their attorneys of record, hereby submit this Joint Stipulation  
5 Regarding Schedule for Plaintiff’s Motion for Attorney’s Fees.

6 **WHEREAS**, on October 19, 2021, the Court entered Judgment in this matter following a  
7 verdict in a jury trial (Dkt. 307), which triggered the deadline for the parties to file various post-  
8 trial motions;

9 **WHEREAS**, Plaintiff intends to file a motion for attorney’s fees and costs pursuant to 42  
10 U.S.C. § 1988;

11 **WHEREAS**, Defendant filed motions under Federal Rules of Civil Procedure 50(b) and  
12 59 (Dkt. 317);

13 **WHEREAS**, on April 13, 2022, the Court denied Defendant’s Motion for Judgment as a  
14 Matter of Law, and conditionally denied Defendant’s Motion for a New Trial subject to Diaz  
15 accepting a remittitur to \$1.5 million in compensatory damages and \$13.5 million in punitive  
16 damages (Dkt. 328);

17 **WHEREAS**, the Court gave Plaintiff 30 days to accept or reject the remittitur, and stated it  
18 would enter an amended judgment if Plaintiff accepts the remittitur (*id.*);

19 **WHEREAS**, based on a stipulation of the parties, the Court previously ordered (Dkt. 315)  
20 that Plaintiff must file any motion for attorney’s fees “21 days after the date of the Court’s entry of  
21 its order resolving Defendant’s consolidated motion”;

22 **WHEREAS**, the current deadline for Plaintiff to file his motion for attorney’s fees, May 4,  
23 2022, falls before his deadline to accept or reject the remittitur, May 13, 2022;

24 **WHEREAS**, if Plaintiff were to reject the remittitur, the filing of a motion for attorney’s  
25 fees would be moot, and in any such motion for attorney’s fees, Plaintiff may need to reveal  
26 certain work product by providing detailed accounts of his attorney’s time, thereby potentially  
27 prejudicing him on any retrial of the case;

28

1                   **WHEREAS**, the Parties have met and conferred and agree that the interests of judicial  
2 economy would be served by continuing Plaintiff's deadline to file his motion for attorney's fees  
3 until after his deadline to decide whether to accept the remittitur.

4                   **NOW THEREFORE**, it is hereby stipulated, by and between the parties, that if Plaintiff  
5 accepts the remittitur, then any motion by Plaintiff to recover his attorney's fees pursuant to 42  
6 U.S.C. § 1988 must be filed no later than 21 days after the Court's entry of an amended judgment.

7 **IT IS SO STIPULATED.**

8

9                   CALIFORNIA CIVIL RIGHTS LAW GROUP  
10                   ALEXANDER MORRISON + FEHR LLP

11                   DATED: April 25, 2022

12                   By: /s Lawrence A. Organ

13                   Lawrence A. Organ, Esq.  
14                   Navruz Organ, Esq.  
15                   Cimone A. Nunley, Esq.  
16                   J. Bernard Alexander, Esq.  
17                   Attorneys for Plaintiffs  
18                   DEMETRIC DI-AZ AND OWEN DIAZ

19                   DATED: April 25, 2022

20                   QUINN EMANUEL URQUHART & SULLIVAN, LLP

21                   By: /s Daniel C. Posner

22                   KATHLEEN M. SULLIVAN  
23                   DANIEL C. POSNER  
24                   Attorneys for Defendant  
25                   TESLA, INC.

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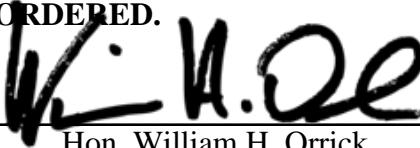
1 **ORDER**

2 Based upon the Parties' Stipulation, and good cause having been shown, **IT IS HEREBY**  
3 **ORDERED THAT:**

4 (1) Plaintiff's deadline to file any motion for attorney's fees pursuant to 42 U.S.C. §  
5 1988 shall be 21 days after entry of an anticipated amended judgment.

6 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

7 Dated: April 25, 2022



8 Hon. William H. Orrick

9

10 **DECLARATION OF CONSENT**

11 Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest under penalty of  
12 perjury that I obtained concurrence in the filing of this document from above-listed counsel for  
13 Defendant Tesla, Inc., which shall serve in lieu of their signature on the document.

14 Dated: April 25, 2022

15 By: /s Lawrence A. Organ

16 LAWRENCE A. ORGAN  
17 NAVRUZ AVLONI  
18 J. BERNARD ALEXANDER  
19 CIMONE A. NUNLEY

20 Attorneys for Plaintiff OWEN DIAZ

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